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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,744	01/22/2004	Chuen-Jong Tseng	CU-3552 RJS	5597
26530	7590	02/22/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/762,744	TSENG, CHUEN-JONG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Winnie Yip	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Applicant's election of specie of Group II shown in Figs. 7-10 in the reply filed on December 12, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 3-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie without traverse, there being no allowable generic or linking claim.

### ***Claim Objections***

3. Claim 12 is objected to because of the following manner: the language "said hanging device further includes a plurality of reinforcing members" do not appear to consist the body of the claimed invention. According to the disclosure, the curtain unit including a plurality of metal rings (44) and having a plurality of reinforcing members (45) being connected respectively to and surrounding the metal rings for increasing the strength of the curtain unit. Therefore, the "reinforcing members (45)" appears to be a part of the curtain unit but not the hanging device as claimed. Should it read "said curtain unit further includes a plurality of reinforcing member"? Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6-7 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated

Barbieri (EP 0467,867).

Barbieri shows and teaches a tent comprising a frame structure including a roof support rods (7) and a plurality of vertical posts (3), a covering fabric (2) mounted on the frame structure, a curtain rod (6) mounted on between the two adjacent vertical posts (3), a curtain rod having two ends mounted on two adjacent vertical posts, a curtain unit (46) having a top end formed with a plurality of spaced-apart through holes that are reinforced by surrounding reinforcing rings (52), and a hanging device (54) disposed movably on the curtain rod for hanging the curtain on the curtain rod to form a side wall (45) of the tent.

Regard to claim 2, the curtain unit (46) includes a one-piece curtain (see Fig. 6).

Regard to claim 7, wherein Barbieri shows the curtain rod (6) being hollow and having a peripheral wall (21) formed with an axially extending channel (28) on the bottom portion of the rod, and the hanging device having a plurality of hanging elements each having a head portion (54) mounted within the channel in an axially slidable manner, and a fastener that is connected to the head portion (54) and having a ring section (53) extending downwardly and outwardly through the channel to pass through the respective hole in the curtain unit for hanging the curtain slidably on the curtain rod.

6. Claims 1-2, 6-8, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated

Thoelke (US Patent No. 5,813,160).

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Thaelke shows and teaches a tent comprising a frame structure including a plurality of vertical support posts (18), a covering fabric (70) mounted on the frame structure, a curtain rod (14) mounted on the frame structure (18), a curtain unit (40) having a top end formed with a plurality of spaced-apart through holes being reinforced by reinforcing rings (64), the curtain rod (14) being hollow and having a peripheral wall (20) formed with an axially extending channel (30) on the bottom portion of the rod, and a hanging device having a plurality of hanging elements (50) each of which has a head portion (50) including two circular members (56) and a cross bar (54) extending across therebetween, each of the hanging elements being disposed movably on the curtain rod within the channel in an axially slidable manner, each hanging element having a fastener (58) being connected to the cross bar of the head portion (54) and having a hook section (52) extending downwardly and outwardly through the channel to pass through the respective hole (64) of the curtain unit for hanging the curtain slidably on the curtain rod. Wherein, the tent may have a one-piece curtain mounted on the curtain rod to form one side of the tent, and may having two or more curtains mounted movably on the curtain rod to form two sides of the tent and to define a exit there between.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbieri (EP 467,867) as applied to claims 1 and 6-7 above, and further in view of Leffers, Jr. (US patent No.5,421, 059).

The claims are considered to meet by Barbieri as explained and applied above rejections except Barbieri does not define the heading element of the head portion of the hanging device has a hollow circular member, and a cross bar across the circular member for hanging the fastener thereon, and the curtain rod being mounted on the posts by mounting unit as claimed.

Regard to claim 8, Leffers, Jr. teaches a wall curtain structure comprising a hollow rod having a bottom channel (34), a hanging device including plurality of hanging elements each of which has a head portion (35) being a hollow circular member (37), a fastener having locking members 42, 43) extending to the hollow circular member (37), and a hook section (40) extending downwardly from the circular member and extending outwardly from the channel, the hook section having a ring (41) connecting a respective reinforced hole of the curtain unit for hanging the curtain unit on the hollow rod. It would have been obviously to one ordinary skill in the art at the time the invention was made to modify the tent of Barbieri having the head portion of the plurality hanging elements each being formed with a hollow circular member having fastener being hanging therein as claimed as taught by Leffers, Jr. as an obvious selective hanging element as applicant's choice for easily moved along the channel of the hollow rod and easily removal hanging the curtain unit to the hollowing rod.

Regard to claims 9-10, Leffers, Jr. further teaches the hollow rod having two ends being connected between two support frame members by a mounting unit (24) respectively, wherein the mounting unit (24) having two slide grooves (56) to receive respectively and slidably the

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ends of the hollow rods. It would have been obviously to one ordinary skill in the art to modify the tent of Barbieri having a mounting unit mounted two vertical posts, and the hollow rod having two ends each being received within two slide grooves formed on the mounting unit as taught by Leffers, Jr. for easily and removably mounting the hollow rod on the frame structure without any additional fasteners.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbieri (EP 467,867) as applied to claim 1 above, and further in view of Holloway et al. (US patent No. 2,173,899).

Although Barbieri does not specifically define the tent having two curtains movably mounted on one curtain rod, as applicant described, Holloway et al. teaches a curtain wall having an elongated hollow rod (12) with a channel (28) formed on a bottom portion of the rod, two curtains (10, 10) being separately mounted on channel for being moved opposite sides along the channel to define an exits therebetween. Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the tent of Barbieri having two curtains movably mounted on one curtain rod as taught by Holloway et al. as old and known in the art for providing a side wall having curtains being easily moved opposite directions to define an exit into or out of the tent.

#### *Citations*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. French Patent No. 2,753,473, French Patent No. 2,619, 701, Suh '039, Sofie et al. '739, Love '744 teach various tents having a curtain unit mounted on the support frame as similar

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to the claimed invention. Hsu '955 and Miller '225, Robinson '229, Dennis '892 teach various mounting unit with grooves for receiving ends of a rod as similar to the claimed invention.


Utting '494 teaches a movable curtain device having two curtains mounted on one curtain rod.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy  
February 18, 2006